

**GZJ KDV'O'''**

**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

**TRACK ONE CASES**

MDL No. 2804

Hon. Dan Aaron Polster

**CVS INDIANA, L.L.C.’S AND CVS RX SERVICES, INC.’S AMENDED OBJECTIONS  
AND RESPONSES TO INTERROGATORIES NO. 7, 12, 14, 15, 17, 19, AND 22 - 29 OF  
PLAINTIFFS’ FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, CVS Indiana, L.L.C. (“CVS Indiana”) and CVS Rx Services, Inc. (“CVS Rx Services”) (together, the “CVS Distributors”) serve these Amended Objections and Responses to Interrogatories No. 7, 12, 14, 15, 17, 19, and 22 - 29 of Plaintiffs’ First Set of Interrogatories (the “Interrogatories”).

**RESERVATION OF RIGHTS**

1. The Interrogatories were served on CVS Health Corporation (“CVS Health”), and CVS Health served objections to the Interrogatories on June 18, 2018. Subsequently, on June 20, 2018, the Court granted Plaintiffs’ Unopposed Motion to Dismiss CVS Health and to Add CVS Indiana and CVS Rx Services. Accordingly, those entities are serving these Amended Objections and Responses. CVS Health preserves, and does not waive, its objections to the Interrogatories, and the CVS Distributors hereby adopt and incorporate by reference CVS Health’s June 18, 2018, objections, other than to the extent modified herein.

2. These Amended Objections and Responses are made without waiving, or intending to waive, (i) any objections as to the competency, relevancy, materiality, privilege, or

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**INTERROGATORY NO. 15:** Please Identify each Person, other than a Person intended to be called as an expert witness at trial, who likely has discoverable information that tends to support a position or defense that You have taken or intend to take in this action, and state the subject matter of the information possessed by that Person. This Interrogatory is intended to include but not be limited to any basis or claim You believe in any way limits Your duties as set forth in 21 U.S.C. §823(e), 21 C.F.R. §1301.74(b), 21 C.F.R. §1301.71(a), and/or 21 C.F.R. §1306.04(a). Please also Identify any Documents that would support this position as well as the custodian of said Documents.

**AMENDED RESPONSE:** The CVS Distributors hereby incorporate their General Objections and Objections to the Definitions and Instructions in their entirety into this response. The CVS Distributors object to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and the attorney work product doctrine. The CVS Distributors further object to this Interrogatory because it is premature at this stage in the litigation. The CVS Distributors also object to this Interrogatory on the grounds that persons who are likely to have discoverable information, including current and former employees of Plaintiffs, current and former employees of other Defendants, and current and former employees of third parties such as the DEA and other federal, state, and local government agencies, are not subject to the CVS Distributors' control. Additionally, the CVS Distributors object to this Interrogatory on the ground that Plaintiffs have not identified the particular orders that form the basis of their claims against the CVS Distributors. In the absence of this information, this Interrogatory cannot be answered with any precision or detail. Finally, the CVS Distributors object to this Interrogatory's request for the identity of documents and the custodians thereof as unduly burdensome and premature.

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Subject to and without waiving the foregoing objections, the CVS Distributors incorporate their Amended Responses to Interrogatory No. 13 and to Interrogatory No. 17. In addition, the CVS Distributors identify the following categories of individuals and entities:

- DEA;
- The Food and Drug Administration (“FDA”);
- The Department of Health & Human Services;
- The Center for Disease Control;
- Centers for Medicare and Medicaid;
- The Ohio Board of Pharmacy;
- The Ohio Department of Medicaid;
- The State Medical Board of Ohio;
- Summit County, and its constituent departments and employees, as well as boards, agencies and commissions;
- Cuyahoga County, and its constituent departments and employees, as well as boards, agencies and commissions;
- The City of Cleveland, and its constituent departments and employees, as well as boards, agencies and commissions;
- Pharmaceutical manufacturers;
- Wholesale drug distributors;
- Hospitals located in the Track One jurisdictions;
- Practitioners who prescribed opioids;
- CVS pharmacists who may have submitted orders that Plaintiffs claim should not have been shipped by the CVS Distributors, who may have filled prescriptions that Plaintiffs claim should not have been filled, or who work(ed) at CVS Pharmacies that placed any such orders or filled any such prescriptions, including but not limited to Jenna Funk, Nancy Mitchner, and Shadi Awadallah, who work(ed) at CVS Pharmacy No. 4800, 590 East Market St., Akron, OH (the only CVS Pharmacy identified by Plaintiffs in their January 11, 2019, response to Discovery Ruling No. 12 as having placed suspicious orders);
- Other pharmacists who may have submitted orders that Plaintiffs claim should not have been shipped, who may have filled prescriptions that Plaintiffs claim should not have been filled, or who work(ed) at pharmacies that placed any such orders or filled any such prescriptions; and
- Treatment centers for opioid addiction located in the Track One jurisdictions.

The CVS Distributors’ investigation is ongoing, and they reserve the right to identify additional individuals who possess discoverable information that tends to support a position or defense that it has taken or intends to take in this action.

**CERTIFICATE OF SERVICE**

I, Paul B. Hynes, Jr., certify that, on January 25, 2019, I caused CVS Indiana, L.L.C.'s and CVS Rx Services, Inc.'s Amended Objections and Responses to Interrogatories No. 7, 12, 14, 15, 17, 19, and 22 - 29 of Plaintiffs' First Set of Interrogatories to be served on counsel of record for plaintiffs and defendants pursuant to the Order Concerning Service in the Track One Cases, dated September 17, 2018.

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For Defendants: [xALLDEFENDANTS-MDL2804-Service@arnoldporter.com](mailto:xALLDEFENDANTS-MDL2804-Service@arnoldporter.com)

*/s/ Paul B. Hynes, Jr.* \_\_\_\_\_

Paul B. Hynes, Jr.